

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Reclassification of License
Of Station WDEF-FM,
Chattanooga, Tennessee

RM-10651

ORDER TO SHOW CAUSE

Adopted: February 12, 2003

Released: February 18, 2003

Comment Date: April 4, 2003

By the Assistant Chief, Audio Division:

1. Before the Audio Division for consideration is a Petition for Rule Making filed by SSR Communications Incorporated ("petitioner"), requesting the initiation of a rulemaking proceeding to amend the FM Table of Allotments, Section 73.202(b) of the Commission's rules, to allot Channel 223A to Tallapoosa, Georgia. Channel 223A would provide a first local FM service to Tallapoosa. To accommodate the proposed allotment, petitioner further requests the reclassification of Station WDEF-FM, Channel 222C, Chattanooga, Tennessee, to specify operation on Channel 222C0. Station WDEF-FM currently operates on Channel 222C with an ERP of 100 kilowatts at 360 meters HAAT. The station is below the minimum Class C antenna height requirements of 450 meters HAAT. Because Station WDEF-FM is operating below minimum Class C standards, it is subject to reclassification as a Class C0 facility pursuant to the *Second Report and Order* in MM Docket No. 98-93,¹ and as set forth in Section 1.420(g), note 2, and Section 73.3574, note 4, of the Commission's Rules.

2. Pursuant to the reclassification procedures set forth in the *Second Report and Order*, *supra*, and Section 1.420(g), note 2, the reclassification of a Class C FM station to a Class C0 station may be initiated through the filing of a petition for rule making to amend the FM Table of Allotments. In instances where an initiating petition proposes amending the FM Table of Allotments in addition to the proposed reclassification of a Class C FM station, the Commission must issue an order to show cause as set forth in Section 73.3573, note 4. In such circumstances, a notice of proposed rule making will be issued only after the reclassification issue has been resolved. Therefore, in order to comply with the Commission's Class C0 reclassification procedures, we must issue this *Order to Show Cause* directed to Jackson Telecasters, Inc. ("Jackson"), licensee of Station WDEF-FM, Chattanooga, Tennessee. Jackson is required to show cause why its authorization should not be modified to specify operation on Channel 222C0 in lieu of Channel 222C at Chattanooga, Tennessee.

¹ See 1998 Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules, 15 FCC Rcd 21,649 (2000).

3. Section 316(a) of the Communications Act, as amended, permits the Commission to modify an authorization if such action is in the public interest. Further, pursuant to Section 316(a), we are required to notify the affected station of the proposed action, as well as the public interest reasons for the action, and afford at least 30 days to respond. This procedure is set forth in Section 1.87 of the Commission's Rules.² In this instance, a Class C0 reclassification of Station WDEF-FM at Chattanooga, Tennessee, would accommodate petitioner's request to allot Channel 223A to Tallapoosa, Georgia as that community's first local FM service. Petitioner's request for reclassification therefore has sufficient public interest benefits and justifies the issuance of an order to show cause.

4. The license for Station WDEF-FM (File No. BMLH-19820813AH) at Chattanooga, Tennessee, can be modified to Channel 222C0 at its current authorized transmitter site, located at coordinates 35-0X-06 NL and 85-19-25 WL. Pursuant to Section 1.87 of the Commission's Rules, Jackson may, not later than April 4, 2003, file a written statement showing with particularity why its license (File No. BMLH-19820813AH) should not be modified as proposed in this **Order to Show Cause**. The Commission may call on Jackson to furnish additional information. If Jackson raises a substantial and material question of fact, a hearing may be required to resolve such a question pursuant to Section 1.87. Upon review of the statements and/or additional information furnished, the Commission may grant the modifications, deny the modifications, or set the matter of modifications for hearing. If no written statement is filed by the date referenced above, Jackson will be deemed to have consented to the modification as proposed in this **Order to Show Cause**, and a final **Order** will be issued by the Commission, if the channel modification is found to be in the public interest.

5. If Jackson chooses to seek authority to modify its facilities, an acceptable application for a Construction permit to increase the antenna height above 450 meters HAAT for Station WDEF-FM must be filed with the Commission within 180 days subsequent to the show cause response due date (April 4, 2003). Upon the filing of an acceptable construction permit application, the proposal to allot Channel 223A at Tallapoosa, Georgia, will be dismissed. The present three-year construction period will be applicable if a construction permit is obtained by Jackson for Channel 222C as specified herein, under this procedure. If the construction is not completed as authorized, Station WDEF-FM is subject to reclassification automatically as a Class C0 station, and, in that event, a new petition for rule making to allot Channel 223A at Tallapoosa, Georgia, may be *refiled*.

6. IT IS THEREFORE ORDERED, That Jackson Telecasters, Inc., show cause why its authorization for station WDEF-FM (File No. BMLH-19820813AH) should not be modified to specify operation on Channel 222C0 in lieu of Channel 222C at Chattanooga, Tennessee, and

7. IT IS FURTHER ORDERED, That the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL Send a copy of this **Order to Show Cause** by Certified Mail, Return Receipt Requested, to the following licensee:

Jackson Telecasters, Inc

² See *Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, 2 FCC Rcd 3327 (1987).

Box 11008
Chattanooga, TN 37401
(Licensee of WDEF-FM)

7. Any protest to this proposed reclassification may be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, *Vistronix, Inc.*, will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. **All** hand deliveries must be held together with rubber bands or fasteners. An envelope must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail or Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

5. For further information concerning this proceeding, contact Deborah A. Dupont, Media Bureau, at (202) 418-7072.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau